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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-360

13 **VANESSA ANNE BROWN**
3736 Gordon Way #90
14 Carmichael, CA 95608
Registered Nurse License No. RN 282739

ACCUSATION

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about August 31, 1977, the Board issued Registered Nurse License Number
23 282739 to Vanessa Anne Brown ("Respondent"). The registered nurse license was in full force
24 and effect at all times relevant to the charges brought herein and will expire on July 31, 2011,
25 unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . . ,

11 (f) Conviction of a felony or of any offense substantially related to the
12 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

13 6. Code section 2762 states, in pertinent part:

14 In addition to other acts constituting unprofessional conduct within the
15 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

16 (b) Use any controlled substance as defined in Division 10 (commencing
17 with Section 11000) of the Health and Safety Code, or any dangerous drug or
dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
18 in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety to
19 the public the practice authorized by his or her license.

20 (c) Be convicted of a criminal offense involving the prescription,
consumption, or self-administration of any of the substances described in
21 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
record pertaining to, the substances described in subdivision (a) of this section, in
22 which event the record of the conviction is conclusive evidence thereof.

23 COST RECOVERY

24 7. Code section 125.3 provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licensee found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.
28

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 8. Respondent has subjected her license to discipline pursuant to Code section 2761,
4 subdivision (f), in that Respondent has been convicted of the following crimes that are
5 substantially related to the qualifications, functions, or duties of a registered nurse:

6 a. On or about March 16, 2009, in the Superior Court, County of Sacramento,
7 California, in the matter entitled *People vs. Vanessa Ann Brown*, 2008, Case No. 09T00271,
8 Respondent was convicted following her plea of nolo contendere of a violation of Vehicle Code
9 section 23152, subdivision (a) (driving under the influence of alcohol, with a prior), a
10 misdemeanor. The circumstances of the crime are that on or about November 18, 2008,
11 following a traffic collision caused by Respondent, she was arrested and subsequently convicted
12 of driving under the influence of alcohol. Respondent's blood alcohol level measured .26%.

13 b. On or about September 11, 2002, in the Superior Court, County of Sacramento,
14 California, in the matter entitled *People vs. Vanessa Ann Brown*, 2008, Case No. 02T03982,
15 Respondent was convicted following her plea of nolo contendere of a violation of Vehicle Code
16 section 23152, subdivision (b) (driving with a blood alcohol level of 0.08% or more), a
17 misdemeanor. The circumstances of the crime are that on or about August 6, 2002, Respondent
18 was arrested for driving under the influence of alcohol. Respondent's blood alcohol level
19 measured .26%, .23%, and .24%.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Conviction of Crimes Involving Alcoholic Beverages)**

22 9. Respondent has subjected her license to discipline pursuant to Code section 2761,
23 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
24 subdivision (c), in that Respondent has been convicted of crimes involving the consumption of
25 alcoholic beverages, as more particularly set forth in paragraph 8, above.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Use Alcoholic Beverages to an Extent or in a Manner Dangerous or Injurious)


3 10. Respondent has subjected her license to discipline pursuant to Code section 2761,
4 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
5 subdivision (b), in that on or about August 6, 2002, and November 18, 2008, Respondent used
6 alcoholic beverages to an extent or in a manner dangerous or injurious to herself or others, as
7 more particularly set forth in paragraph 8, above.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number RN 282739, issued to
12 Vanessa Anne Brown;
- 13 2. Ordering Vanessa Anne Brown to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.
- 17
- 18

19 DATED: 10/20/10

20 *for* 
21 LOUISE R. BAILEY, M.ED., RN
22 Interim Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

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